

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 21, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Mark Webb, Jim Purucker, Jeff McKean, and Deb Scott were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 7, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the July 21, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred nine (409) renewals approved, fifty-eight (58) new and/or transfer permits approved, eight (8) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow, and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-21562 CEC-SON, INC. - Vice Chairman Johnson moved to convert this type 209 permit to a type 210 permit due to the location being annexed into the city limits. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR46-25979 JOSEPH DAVILA – Commissioner Guthrie noted this is a new type 209 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion second by Commissioner Sturtz and it was unanimously approved.

RR64-19510 PHILCAR ENTERPRISES, INC. – Commissioner Guthrie noted this was continued from the 7-7-09, to give him an opportunity to review the tape recording of the local board meeting regarding this renewal.

Because Commissioner Guthrie has not had the opportunity to review that recording, he moved to continue this matter until the 8-4-09 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-01523 OSCAR'S BILLIARDS – Hearing Judge Dunsmore noted the renewal of this permit was recommended to be denied by the local board and the Commission upheld that denial. The denial was based on the fact that the permittee was required to attend the local board meeting due to past violations, but did not for three months. The permittee filed an appeal and the matter was set for hearing. But, because there were no remonstrators present at the local board meeting and no record was made, the Hearing Judge, along with permittee's counsel, request the Commission remand this renewal to the local board for further investigation.

Commissioner Guthrie moved to approve the request of the Hearing Judge and remand this renewal to the local board. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make fifteen (15) permits inactive. All fifteen permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR22-20301 CHARLESTOWN CROSSING, LLC – Commissioner Guthrie moved to reactivate this permit, provided all fees are paid and applications are filed within 90 days. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Chairman Snow adjourned the meeting.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER